

### **REMARKS/ARGUMENTS**

Claims 1-7 were pending at the time of the mailing of the Final Office Action. By this amendment, no claims have been cancelled or added. Claims 1, 5 and 6 have been amended.

In this Final Office Action dated May 15, 2008, the Examiner rejected claims 1-7 Under 35 U.S.C. § 103(a), as being unpatentable over Nichols et al. (U.S. Pat. 6,266,566) in view of Pless et al. (U.S. Pub. 2003/0144711).

Applicants have amended independent Claim 1 to recite in pertinent part an external programming device for an implant including a receiving unit for receiving data from the implant representing time-variable signals intracardially recorded or generated in the implant, a touch-sensitive or pressure-sensitive display with an actuating unit adapted to represent signals forming the basis of the received data, the display including a representation window for display of a electrocardiograph representation and including a surface switching element beside the representation window, and a switching unit which is connected to the actuating unit of the display and adapted to switch the representation of continuous signals over time between a first representation mode and at least one second representation mode upon user actuation of the surface switching element (emphasis added).

None of the prior art of record shows or suggests an external programming device for an implant, as recited in independent Claim 1. Based upon the above, applicants believe that amended independent Claim 1, and thereby claims 2-7, are patentable over the art of record and respectfully request that the Examiner withdraw this rejection of the claims.

In the Final Office Action dated May 15, 2008, the Examiner stated that Nichols discloses a whole screen that is touch-sensitive (Col. 11, lines 31-36). The Examiner

further stated that Nichols also discloses multiple points on the touch-screen that are used to control, switch, and select the waveforms (Figs. 9-10).

However, Nichols is concerned with waveform normalization control - scaling the waveform data points such that the peak-to-peak range (i.e., the maximum y-axis data value--the minimum y-axis data value) of the selected waveform does not exceed a pre-determined nominal height. The present application is concerned with switching a representation of continuous signals over time between a first representation mode and a second representation mode.

Claim 1 recites, in pertinent part, that representation of the time-continuous signals over time is effected in the first mode continuously in that current display values are always represented at the same horizontal display position and all preceding signal values are represented on the display, displaced horizontally towards the left or the right, and that representation of the continuous signals over time is effected in the second mode continuously in that current signal values are respectively represented at a new display position of the display adjoining preceding signal values while preceding signal values maintain their respective display position. Such first and second modes, as claimed, are not shown or suggested by Nichols. For at least this reason, Applicants respectfully request that the Examiner withdraw his rejection of the Claims.

Applicants believe that, in view of the amendments and above remarks, the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

The outstanding communication was issued May 15, 2008. The Examiner set a period for reply of 3 month from the mailing date. No petition for an extension of time is believed to be required with the filing of this response. Nevertheless, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. No fees are believed to be due with this response. However,

in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

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/James D. Schweikert/

James D. Schweikert  
Reg. No 58,057  
Hahn Loeser + Parks LLP  
One GOJO Plaza  
Suite 300  
Akron, OH 44311

Attorney for Applicants